

Title 139 WAC

CRIMINAL JUSTICE TRAINING COMMISSION

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| 139-04-020 | Public records available. [Order 6, § 139-04-020, filed 8/15/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |

Chapter 139-08 PRACTICE AND PROCEDURE RULES

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| 139-08-010 | Appearance and practice before commission—Who may appear. [Order 2, § 139-08-010, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-020 | Appearance and practice before commission—Solicitation of business unethical. [Order 2, § 139-08-020, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-030 | Appearance and practice before commission—Standards of ethical conduct. [Order 2, § 139-08-030, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-040 | Appearance and practice before commission—Appearance by former employee of board or former member of attorney general's staff. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-040, filed 3/27/85; Order 2, § 139-08-040, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
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| 139-08-080 | 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Service of process—Upon whom served. [Order 2, § 139-08-080, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
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| 139-08-100 | Service of process—Method of service. [Order 2, § 139-08-100, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
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| 139-08-130 | Subpoenas—Where provided by law—Form. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-130, filed 3/27/85; Order 2, § 139-08-130, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
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| 139-08-150 | Subpoenas—Service. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-150, filed 3/27/85; Order 2, § 139-08-150, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-160 | Subpoenas—Fees. [Order 2, § 139-08-160, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
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| 139-08-180 | Subpoenas—Quashing. [Order 2, § 139-08-180, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-190 | Subpoenas—Enforcement. [Order 2, § 139-08-190, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
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| 139-08-210 | Depositions and interrogatories in contested cases—Right to take. [Order 2, § 139-08-210, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-220 | Depositions and interrogatories in contested cases—Scope. [Order 2, § 139-08-220, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-230 | Depositions and interrogatories in contested cases—Officer before whom taken. [Order 2, § 139-08-230, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-240 | Depositions and interrogatories in contested cases—Authorization. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-240, filed 3/27/85; Order 2, § 139-08-240, filed 1/22/75.] |

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| | Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | | |
| 139-08-250 | Depositions and interrogatories in contested cases—Protection of parties and deponents. [Order 2, § 139-08-250, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-420 | Prehearing conference rule—Record of conference action. [Order 2, § 139-08-420, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-260 | Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Order 2, § 139-08-260, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-430 | Submission of documentary evidence in advance. [Order 2, § 139-08-430, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-270 | Depositions and interrogatories in contested cases—Recordation. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-270, filed 3/27/85; Order 2, § 139-08-270, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-440 | Excerpts from documentary evidence. [Order 2, § 139-08-440, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-280 | Depositions and interrogatories in contested cases—Signing attestation and return. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-280, filed 3/27/85; Order 2, § 139-08-280, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-450 | Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Order 2, § 139-08-450, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-290 | Depositions and interrogatories in contested cases—Use and effect. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-290, filed 3/27/85; Order 2, § 139-08-290, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-460 | Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Order 2, § 139-08-460, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-300 | Depositions and interrogatories in contested cases—Fees of officers and deponents. [Order 2, § 139-08-300, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-470 | Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Order 2, § 139-08-470, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-310 | Depositions upon interrogatories—Submission of interrogatories. [Order 2, § 139-08-310, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-480 | Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 139-08-450 or 139-08-460. [Order 2, § 139-08-480, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-320 | Depositions upon interrogatories—Interrogation. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-320, filed 3/27/85; Order 2, § 139-08-320, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-490 | Continuances. [Order 2, § 139-08-490, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-330 | Depositions upon interrogatories—Attestation and return. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-330, filed 3/27/85; Order 2, § 139-08-330, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-500 | Rules of evidence—Admissibility criteria. [Order 2, § 139-08-500, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-340 | Depositions upon interrogatories—Provisions of deposition rule. [Order 2, § 139-08-340, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-510 | Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Order 2, § 139-08-510, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). |
| 139-08-350 | Official notice—Matters of law. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-350, filed 3/27/85; Order 2, § 139-08-350, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-520 | Petitions for rule making, amendment or repeal—Who may petition. [Order 2, § 139-08-520, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-360 | Official notice—Material facts. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-360, filed 3/27/85; Order 2, § 139-08-360, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-530 | Petitions for rule making, amendment or repeal—Requisites. [Order 2, § 139-08-530, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-370 | Presumptions. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-370, filed 3/27/85; Order 2, § 139-08-370, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-540 | Petitions for rule making, amendment or repeal—Agency must consider. [Order 2, § 139-08-540, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-380 | Stipulations and admissions of record. [Order 2, § 139-08-380, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). | 139-08-550 | Petitions for rule making, amendment or repeal—Notice of disposition. [Order 2, § 139-08-550, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-390 | Form and content of decisions in contested cases. [Order 2, § 139-08-390, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). | 139-08-560 | Declaratory rulings. [Order 2, § 139-08-560, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-400 | Definition of issues before hearing. [Order 2, § 139-08-400, filed 1/22/75.] Repealed by 85-08-011 (Order 2-A), filed 3/27/85. Statutory Authority: RCW 43.101.080(2). | 139-08-570 | Forms. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-570, filed 3/27/85; Order 2, § 139-08-570, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |
| 139-08-410 | Prehearing conference rule—Authorized. [Order 2, § 139-08-410, filed 1/22/75.] Repealed by 85-08-011 | 139-08-600 | Appeal. [Statutory Authority: RCW 43.101.080(2). 85-08-011 (Order 2-A), § 139-08-600, filed 3/27/85.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). |

Chapter 139-14 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING

139-14-010 Requirement of basic law enforcement training. [Statutory Authority: RCW 43.101.080. 83-07-046 (Order 14-B), § 139-14-010, filed 3/18/83; 81-14-026 (Order 14A), § 139-14-010, filed 6/25/81. Statutory Authority: RCW 43.101.010, 43.101.200 and 43.101.210. 78-02-

037 (Order 14), § 139-14-010, filed 1/17/78.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-16
BASIC LAW ENFORCEMENT
SCHOOL CURRICULUM

139-16-010 Basic law enforcement curriculum. [Statutory Authority: RCW 43.101.080(10). 78-02-033 (Order 3-B), § 139-16-010, filed 1/17/78; Order 3-A, § 139-16-010, filed 1/4/77; Order 3, § 139-16-010, filed 1/22/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-18
PHYSICAL REQUIREMENTS
FOR ADMISSION TO ACADEMIES

139-18-010 Physical requirements for admission to basic law enforcement academies. [Statutory Authority: RCW 43.101.080(8). 78-02-034 (Order 12-B), § 139-18-010, filed 1/17/78; Order 12-A, § 139-18-010, filed 3/29/77.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-20
ACKNOWLEDGMENT OF PRIOR
BASIC TRAINING

139-20-010 Procedure for acknowledgment of prior basic training and issuance of certificate of equivalent basic training. [Statutory Authority: RCW 43.101.080(10). 78-02-035 (Order 4-B), § 139-20-010, filed 1/17/78; Order 4A, § 139-20-010, filed 8/15/75; Order 4, § 139-20-010, filed 1/22/75.] Repealed by 83-07-044 (Order 4-C), filed 3/18/83. Statutory Authority: RCW 43.101.080.

139-20-020 Basic law enforcement equivalency certification. [Statutory Authority: RCW 43.101.080. 83-07-045 (Order 4-D), § 139-20-020, filed 3/18/83.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-22
REQUIREMENTS OF CERTIFICATION
FOR BASIC LAW ENFORCEMENT TRAINING

139-22-010 Requirements of basic law enforcement academy. [Statutory Authority: RCW 43.101.080(8). 78-02-036 (Order 13-B), § 139-22-010, filed 1/17/78; Order 7407, § 139-22-010, filed 3/29/77.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

139-22-020 Admission and participation requirements for basic law enforcement academy attendee. [Statutory Authority: RCW 43.101.080(2). 85-21-074 (Order 19), § 139-22-020, filed 10/21/85.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-24
CERTIFICATION OF INSTRUCTORS

139-24-010 Certification of instructors. [Order 5, § 139-24-010, filed 1/22/75.] Repealed by 81-04-014 (Order 5A), filed 1/29/81. Statutory Authority: RCW 43.101.080(8).

Chapter 139-28
LAW ENFORCEMENT TRAINING

139-28-010 Goals of board on law enforcement training standards and education. [Order 7-A, § 139-28-010, filed 1/4/77; Order 7, § 139-28-010, filed 9/23/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

Chapter 139-32
PROSECUTOR TRAINING

139-32-010 Prosecutor, public defender, and municipal attorney training. [Statutory Authority: RCW 43.101.080(2). 81-14-049 (Order 8A), § 139-32-010, filed 6/30/81; Order 8, § 139-32-010, filed 9/23/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-15-110.

Chapter 139-36
CORRECTIONAL TRAINING

139-36-010 Standards of board on correctional training standards and education. [Order 9, § 139-36-010, filed 9/23/75.] Repealed by 82-07-051 (Order 9A), filed 3/19/82. Statutory Authority: RCW 43.101.080(2).

139-36-020 Requirement of basic corrections training. [Statutory Authority: RCW 43.101.220. 84-21-018 (Order 15A), § 139-36-020, filed 10/8/84, effective 7/1/85. Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-020, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-210.

139-36-030 Requirements of basic corrections academy. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-030, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-220.

139-36-031 Basic corrections officers academy curriculum. [Statutory Authority: RCW 43.101.080(2). 85-21-073 (Order 15C, § 139-36-031, filed 10/21/85. Statutory Authority: RCW 43.101.220. 84-21-018 (Order 15A), § 139-36-031, filed 10/8/84, effective 7/1/85. Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-031, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-230.

139-36-032 Basic correctional services academy curriculum. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-032, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-235.

139-36-033 Juvenile security workers academy curriculum. [Statutory Authority: RCW 43.101.220. 84-21-018 (Order 15A), § 139-36-033, filed 10/8/84, effective 7/1/85. Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-033, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-240.

139-36-034 Basic juvenile detention workers academy curriculum. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-034, filed 3/19/82.] Repealed by 84-21-018 (Order 15A), filed 10/8/84, effective 7/1/85. Statutory Authority: RCW 43.101.220.

139-36-040 Requirement of first- and second-level corrections supervisory training. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-040, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-310.

139-36-041 First- and second-level supervision curriculum—Corrections. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-041, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-320.

139-36-050 Requirement of middle-management corrections training. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-050, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-410.

139-36-051 Middle-management curriculum—Corrections. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-051, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-420.

139-36-060 Requirement of executive management corrections training. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-060, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2). Later promulgation, see WAC 139-10-510.

139-36-061 Executive management curriculum—Corrections. [Statutory Authority: RCW 43.101.080(2). 82-07-052 (Order 15), § 139-36-061, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority:

ity: RCW 43.101.080(2). Later promulgation, see WAC 139-10-520.

**Chapter 139-40
OPERATING POLICY—COMMISSION—BOARDS**

- 139-40-010 Operating policy of Washington state criminal justice training commission and boards on training standards and education. [Order 10, § 139-40-010, filed 9/23/75.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

**Chapter 139-44
JUDICIAL TRAINING STANDARDS AND EDUCATION—
GOALS OF BOARD**

- 139-44-010 Goals of board on judicial training standards and education. [Order 11, § 319-44-010 (codified as WAC 139-44-010), filed 7/2/76.] Repealed by 81-21-044 (Order 11A), filed 10/16/81. Statutory Authority: RCW 43.101.080(8).

**Chapter 139-50
FIRE MARSHAL TRAINING**

- 139-50-010 Requirement of training for fire marshals. [Statutory Authority: RCW 43.101.080(2). 82-07-053 (Order 16), § 139-50-010, filed 3/19/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-50-020 Requirements of training for police dog handler. [Statutory Authority: RCW 43.101.080. 82-21-062 (Order 17), § 139-50-020, filed 10/20/82.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).
- 139-50-030 Requirement of training for agriculture officers. [Statutory Authority: RCW 43.101.080. 84-13-052 (Order 18), § 139-50-030, filed 6/19/84.] Repealed by 86-19-021 (Order 1-B), filed 9/10/86. Statutory Authority: RCW 43.101.080(2).

**Chapter 139-01 WAC
GENERAL ADMINISTRATION**

WAC

- 139-01-100 Description of central and field organization.
- 139-01-210 Operating policy of Washington state criminal justice training commission.
- 139-01-310 "Commission" defined.

FACILITY

- 139-01-400 Facility use.
- 139-01-405 Licensee's responsibility.
- 139-01-411 Care and maintenance of facilities and equipment.
- 139-01-421 Use fees.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 139-01-110 Public records available. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-110, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-320 Appearance and practice before commission—Appearance by former member of attorney general's staff. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-320, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-330 Computation of time. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-330, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-410 Service of process—By whom served. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-410, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-415 Service of process—Upon whom served. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-415, filed 9/10/86.] Repealed by 00-17-

139-01-420

017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-425

Service of process—Service upon parties. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-420, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-430

Service of process—Method of service. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-425, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-435

Service of process—When service complete. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-430, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-440

Service of process—Filing with agency. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-435, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-445

Subpoenas—Where provided by law—Form. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-440, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-450

Subpoenas—Issuance to parties. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-445, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-455

Subpoenas—Service. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-450, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-460

Subpoenas—Fees. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-455, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-465

Subpoenas—Proof of service. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-460, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-470

Subpoenas—Quashing. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-465, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-475

Subpoenas—Enforcement. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-470, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-510

Subpoenas—Geographical scope. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-475, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-515

Depositions and interrogatories in contested cases—Right to take. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-510, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-520

Depositions and interrogatories in contested cases—Scope. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-515, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

139-01-525

Depositions and interrogatories in contested cases—Officer before whom taken. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-520, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

Depositions and interrogatories in contested cases—Authorization. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-525, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00,

- effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-530 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-530, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-535 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-535, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-540 Depositions and interrogatories in contested cases—Recordation. [Statutory Authority: RCW 43.101.-080(2). 86-19-021 (Order 1-B), § 139-01-540, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.-080.
- 139-01-545 Depositions and interrogatories in contested cases—Signing attestation and return. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-545, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-550 Depositions and interrogatories in contested cases—Use and effect. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-550, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-555 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-555, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-560 Depositions upon interrogatories—Submission of interrogatories. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-560, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-565 Depositions upon interrogatories—Interrogation. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-565, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-570 Depositions upon interrogatories—Attestation and return. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-570, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-575 Depositions upon interrogatories—Provisions of deposition rule. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-575, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-610 Official notice—Matters of law. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-610, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-615 Official notice—Material facts. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-615, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-620 Presumptions. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-620, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-625 Stipulations and admissions of record. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-625, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-630 Rules of evidence—Admissibility criteria. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-630, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-710 Petitions for rule making, amendment or repeal—Who may petition. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-710, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.-080.
- 139-01-715 Petitions for rule making, amendment or repeal—Requisites. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-715, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-720 Petitions for rule making, amendment or repeal—Agency must consider. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-720, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.-080.
- 139-01-725 Petitions for rule making, amendment or repeal—Notice of disposition. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-725, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.-080.
- 139-01-730 Declaratory rulings. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-730, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.-080.
- 139-01-735 Forms. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-735, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-810 Review and appeal of action. [Statutory Authority: RCW 43.101.080(2). 96-08-008, § 139-01-810, filed 3/22/96, effective 4/22/96; 86-19-021 (Order 1-B), § 139-01-810, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.
- 139-01-820 Request for exemption or variance. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-820, filed 9/10/86.] Repealed by 00-17-017, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080.

WAC 139-01-100 Description of central and field organization. The Washington state criminal justice training commission consists of the executive director, staff, and fourteen commissioners. Recommendations for training pursuant to commission adopted goals and standards may be approved by the executive director of the commission. Other recommendations will be reviewed by the commissioners for approval or rejection. Approved recommendations and other matters of the commission necessitating implementation or staff involvement will be assigned by the executive director to appropriate personnel.

The business office of the commission is located at 3060 Willamette Drive N.E., Lacey, Washington 98516. The mailing address is Post Office Box 40905, Olympia, Washington 98504. It is maintained by the commission's executive director and staff from 8:00 a.m. to 5:00 p.m., Monday through Friday, and serves as a central repository for the commission's records of administration and operation.

The Criminal Justice Training Center, 19010 1st Avenue, Burien, Washington 98148, serves as the commission's primary training site. Other training is conducted locally, regionally, or at centralized locations statewide, as determined by staff.

[Statutory Authority: RCW 43.101.080. 04-07-146, § 139-01-100, filed 3/23/04, effective 4/23/04; 00-17-017, § 139-01-100, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-01-100, filed 9/10/86.]

WAC 139-01-210 Operating policy of Washington state criminal justice training commission. (1) The Washington state criminal justice training commission shall approve annual training schedules and budgets and may

adopt standards and/or goals for criminal justice personnel and disciplines within its purview.

(2) The executive director of the commission may approve training programs or activity not included within an approved annual training schedule if he/she determines that sufficient resources exist and such program or activity is consistent and identifiable with an adopted standard or goal of the commission.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-210, filed 9/10/86.]

WAC 139-01-310 "Commission" defined. As used in this chapter "commission" means the Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-01-310, filed 9/10/86.]

FACILITY

WAC 139-01-400 Facility use. (1) The commission will not make its facilities or services available to individuals or organizations which do not assure that they will comply with the terms of the Americans with Disabilities Act, the Rehabilitation Act of 1973, and the Washington law against discrimination. Uses must not impose restrictions or alter facilities in a manner which would violate these laws.

(2) The commission will only make its facilities or services available to individuals or organizations which assure that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(3) The buildings and grounds of the commission are primarily for training purposes. No other use shall be permitted to interfere with the primary purpose for which these facilities are intended. Facilities shall not be made available for any use which might result in any undue damage or wear. The commission reserves the right to reject any application for use of its facilities.

(4) Every possible opportunity will be provided for the use of the commission facilities by citizens of the area, provided that the purpose of such use is in compliance with the rules and regulations of the commission and is subject to the laws of the state of Washington.

(5) The commission reserves the right to prohibit the use of its facilities by groups, or activities, which are secret, which are of a private nature, or which restrict membership or attendance in a manner inconsistent with the public and non-discriminatory character of the commission. Subversive organizations as defined and listed by the Attorney General of the United States shall not be eligible to use the commission facilities.

(6) The use or possession of alcohol on the facility premises is prohibited except for approved training purposes.

[Statutory Authority: RCW 43.101.080, 02-02-004, § 139-01-400, filed 12/20/01, effective 1/20/02.]

WAC 139-01-405 Licensee's responsibility. Individuals or organizations wishing to use commission facilities must complete a facility use agreement and submit it to the

facilities maintenance office, or facility manager for approval. The licensee shall accept responsibility for any damage done to the commission property. Completion of the use agreement shall constitute acceptance by the licensee of the responsibilities stated therein and willingness to comply with all rules and regulations regarding the use of the facilities as prescribed by the commission. If the use of the facility does not comply with the terms in the agreement form, an additional charge may be assessed. In the event of property damage, the licensee shall accept and pay the commission's estimate of the amount of damage. The commission may require posting of a bond.

[Statutory Authority: RCW 43.101.080, 02-02-004, § 139-01-405, filed 12/20/01, effective 1/20/02.]

WAC 139-01-411 Care and maintenance of facilities and equipment. (1) Appropriate equipment is expected to be used when the absence of such equipment may be detrimental to that facility (e.g., tennis shoes must be worn on gymnasium floors).

(2) Individuals or organizations using the facilities are required to leave the premises in the same condition as when the individual or organization was admitted to its use. After facility use, individuals or organizations are required to arrange for proper disposal of decorations and other refuse when restoring the facility to its original condition for resumption of facility use.

(3) Custodial and other services beyond those regularly scheduled to support normal activities may be required for specific activities by outside groups, based on the size of group, the complexities of the event, or the facilities being used. Custodial services needed beyond those normally scheduled will result in that organization being charged at the established rate. All extra custodial time required as a result of the organization's or individual's use of the facility will be charged to the lessee, including those receiving complimentary usage.

[Statutory Authority: RCW 43.101.080, 02-02-004, § 139-01-411, filed 12/20/01, effective 1/20/02.]

WAC 139-01-421 Use fees. The use fee depends on the purpose of the activity and the nature of the group using the facility, which shall be determined based on the current prevailing economic situation and consistent with the standard charge within the local geographical area. The actual fee will be set by the commission and shall be made known to any entity inquiring to use the facility.

[Statutory Authority: RCW 43.101.080, 02-02-004, § 139-01-421, filed 12/20/01, effective 1/20/02.]

Chapter 139-02 WAC PUBLIC RECORDS

WAC

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|------------|--|
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| 139-02-020 | Definitions. |
| 139-02-030 | Public records available. |
| 139-02-040 | Public disclosure officer. |
| 139-02-050 | Request for public records. |
| 139-02-060 | Disclosure to client's representative. |
| 139-02-070 | Fees—Inspection and copying. |
| 139-02-080 | Protection of public records. |
| 139-02-090 | Disclosure procedure. |

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139-02-110

Qualifications on nondisclosure.
Records index.

WAC 139-02-010 Purpose. The purpose of this chapter shall be to ensure compliance by the criminal justice training commission with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-010, filed 8/4/00, effective 9/4/00.]

WAC 139-02-020 Definitions. (1) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "Commission" means the criminal justice training commission.

(4) "Client" means any person or organization about whom the commission has a record.

(5) "Disclosure" means inspection and/or copying.

(6) "Denial of disclosure" denotes any exempting from disclosure of any public record.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-020, filed 8/4/00, effective 9/4/00.]

WAC 139-02-030 Public records available. (1) Requests for any identifiable public record may be initiated by mail or in person at the business office of the commission during normal business hours.

(2) The commission shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within five business days of receipt of the request for disclosure.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-030, filed 8/4/00, effective 9/4/00.]

WAC 139-02-040 Public disclosure officer. The commission shall designate a public disclosure officer who shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

[Statutory Authority: RCW 43.101.080. 05-01-109, § 139-02-040, filed 12/15/04, effective 1/15/05; 00-17-017, § 139-02-040, filed 8/4/00, effective 9/4/00.]

WAC 139-02-050 Request for public records. (1) Unless waived by a public disclosure officer, all requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:

- (a) The name of the person requesting the record;
- (b) The calendar date on which the request is made; and

(2005 Ed.)

(c) The nature of the request.

(2) An in-person request for disclosure shall be made during customary business hours.

(3) If the public record contains material exempt from disclosure pursuant to law, the commission must provide the person requesting disclosure with a written explanation for the nondisclosure, pursuant to WAC 137-08-130.

(4) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(5) Nothing in this section or elsewhere in this chapter shall be construed to require the commission to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the commission and is not required for litigation by rules of pretrial discovery.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-050, filed 8/4/00, effective 9/4/00.]

WAC 139-02-060 Disclosure to client's representative. (1) If a client requests disclosure to a representative, that request must be accompanied by a written release signed by the client, except that, as an accommodation to the client and if the legislator or attorney representing the client can provide assurance that the client has authorized disclosure, the client's record may be briefly discussed with that legislator or attorney so long as there is neither physical inspection nor copying of client records by that representative. A written release must include:

(a) The identity of the person(s) or organization(s) to whom disclosure is to be made;

(b) An identification of the record, or portion thereof, to be disclosed;

(c) A statement of when the authorization for disclosure expires.

(2) Disclosures of information to a representative shall be made to the same extent as to the client.

(3) The legal guardian of a client has any and all rights accorded to a client by this section.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-060, filed 8/4/00, effective 9/4/00.]

WAC 139-02-070 Fees—Inspection and copying. (1) No fee shall be charged for the inspection of public records.

(2) The commission shall collect a fee of twenty cents per page plus postage as reimbursement for the cost of providing copies of public records.

(3) Nothing contained in this section shall preclude the commission from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the commission.

(4) The director of the commission or his or her designee is authorized to waive any of the foregoing copying costs.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-070, filed 8/4/00, effective 9/4/00.]

WAC 139-02-080 Protection of public records. Public records shall be disclosed only in the presence of the public disclosure officer or his or her designee, who shall withdraw

the records if the person requesting disclosure acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the commission. This section shall not be construed to prevent the commission from accommodating a person by use of the mails in the disclosure process.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-080, filed 8/4/00, effective 9/4/00.]

WAC 139-02-090 Disclosure procedure. (1) The public disclosure officer shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public disclosure officer shall ensure full disclosure.

(3) If the file does contain materials exempt from disclosure, the public disclosure officer shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials shall be fully disclosed.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-090, filed 8/4/00, effective 9/4/00.]

WAC 139-02-100 Qualifications on nondisclosure.

(1) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of the superior court enforcing a subpoena in accordance with the provisions of RCW 42.17.310(3), or an order of the office of hearings enforcing a subpoena.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-100, filed 8/4/00, effective 9/4/00.]

WAC 139-02-110 Records index. (1) The commission finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records because of the complexity and diversity of its operations and the resulting volume of manuals, correspondence, reports, surveys, staff studies, and other materials.

(2) The commission will make available for public disclosure all indices which may at a future time be developed for agency use.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-02-110, filed 8/4/00, effective 9/4/00.]

Chapter 139-03 WAC PROCEDURES

WAC

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| 139-03-010 | Adoption of model rules of procedure. |
| 139-03-020 | Review and appeal of action. |
| 139-03-030 | Request for exemption, waiver, extension or variance. |
| 139-03-040 | Method of recording. |
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Procedure for closing parts of hearings.
Burden and standard of proof.
Petitions for stay of effectiveness.

WAC 139-03-010 Adoption of model rules of procedure. In those contested cases, declaratory proceedings, and requests for rule making in which the commission has authority to conduct hearings, practice and procedure shall be in accordance with the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended. The model rules hereby adopted are found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and the procedural rules adopted in this title, the procedural rules adopted in this title shall govern.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-010, filed 8/4/00, effective 9/4/00.]

WAC 139-03-020 Review and appeal of action. (1) Except as otherwise provided in this section or in WAC 139-03-030, a person aggrieved by a commission "action" as defined under the Administrative Procedure Act may appeal that action by filing a notice of appeal to the commission on an appeal form provided by the commission. Notice of appeal forms are available from the commission at the following address: 621 Woodland Square Loop, P.O. Box 40905, Olympia, WA 98504. This section shall not apply to a request for a variance or exemption pursuant to WAC 139-03-030.

(2) Unless otherwise provided in this title, student dismissal for academic or disciplinary reasons may be reviewed at the request of such individual, or the head of such individual's employing agency, and shall be considered in accordance with the process hereinafter provided.

(3) An individual requesting review shall submit a request in writing to the executive director and shall therein specify and include, where applicable:

(a) The action for which review is requested, identified by date and description of action;

(b) The direct and adverse effects of such action;

(c) The corrective or remedial action or other relief sought;

(d) The name and mailing address of the requesting party, any witness to be called by the requesting party, and any person who will personally appear in support of the requesting party, including legal counsel; and

(e) A statement that the person signing the request for review has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(4) A request for review must be mailed to or personally served upon the director of the commission within thirty days of the date of written communication of commission staff action. "Mailing" for purposes of this regulation means posting in the United States mail, properly addressed, postage prepaid.

(5) A requesting party may notify the director of the commission within seven days of filing the request for a hearing that the requesting party chooses to first meet with the executive director and ask him or her to informally review the staff action. The executive director will conduct such infor-

mal review within thirty days of such request for informal review or within such additional period as is agreed to between the requesting party and the executive director. If the executive director then affirms staff action, or if the requesting party elects to forgo this informal review step, the matter will proceed to a formal hearing by an administrative law judge from the state office of administrative hearings. The administrative law judge will:

- (a) Schedule and conduct an adjudicative proceeding under chapter 34.05 RCW; and
- (b) Issue an initial decision of the commission in the matter.

The commission staff or the requesting party may then pursue review by the commission subject to the time limits and any other jurisdictional requirements of chapter 34.05 RCW and of this section.

(6) A petition for review of the initial decision must be filed with the commission within thirty days of mailing of the initial decision to the parties. Extensions of the time for filing petitions for review may be granted for good cause shown in the discretion of the chairperson of the commission on timely written request of a party. The petition for review shall set forth in detail the grounds for review, and the party filing the petition shall be deemed to have waived all objections or claims of irregularities not specifically set forth therein. At the next succeeding regularly scheduled meeting of the commission at which review can practicably be conducted, the commission shall consider the whole record, or such portions of it as are cited by the parties. The commission shall afford the parties an opportunity to present written argument, and may, as a matter of discretion, allow oral argument. Thereafter, a final decision shall be entered within thirty days of the meeting, either finally disposing of the action or remanding the matter for further proceedings before the initial reviewer.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-020, filed 8/4/00, effective 9/4/00.]

WAC 139-03-030 Request for exemption, waiver, extension or variance. (1) Requests for exemption, waiver, extension or variance from the commission's regulations may be pursued only under this section.

(2) A request for exemption, waiver, extension or variance may be made only by the head of a law enforcement or corrections agency on behalf of an employee or employees directly affected by the regulation. Where a request for an exemption or variance is on behalf of a chief of police, such request shall be made by the appointing authority. Requests under this section shall be for mitigation only and shall not raise questions of law or of fact. Such requests shall be submitted in writing to the executive director of the commission and shall include, where applicable:

- (a) The particular regulation from which exemption, waiver, extension or variance is sought;
- (b) The nature of the exemption, waiver, extension or variance which is sought;
- (c) The mitigating factors in the particular case;
- (d) The name and mailing address of the requesting party and any person who will personally appear in support of the requesting party, including legal counsel;

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(e) A statement that the person signing the request has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(3) Upon receipt of a request under this section which satisfies the requirements of subsection (2) of this section, the executive director shall schedule the request for full consideration at the next commission meeting. If it is determined by the chair that circumstances justify expedited review, the chair may schedule a special meeting for the sole purpose of effecting review. After full consideration of the matter, the commission shall deny the request, grant the request or provide alternative mitigating relief.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-030, filed 8/4/00, effective 9/4/00.]

WAC 139-03-040 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, by manual, electronic, or other type of recording device.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-040, filed 8/4/00, effective 9/4/00.]

WAC 139-03-050 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-050, filed 8/4/00, effective 9/4/00.]

WAC 139-03-060 Procedure for closing parts of hearings. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application in writing to the presiding officer. The request shall be made at least thirty days before the date of the hearing, except upon a showing of good cause for delay in making the request. If the other party opposes the request, a written response to the request shall be made within ten days of the request. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and shall state the reasons therefor in writing within twenty days of receiving the request. No recording devices or cameras are allowed in those parts of proceedings which the presiding officer has decided to close, except for the method of official recording selected by the presiding officer.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-060, filed 8/4/00, effective 9/4/00.]

WAC 139-03-070 Burden and standard of proof. Unless otherwise provided by law, the appealing party has the burden of proof, and the standard of proof on all factual issues is preponderance of the evidence.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-070, filed 8/4/00, effective 9/4/00.]

WAC 139-03-080 Petitions for stay of effectiveness. Disposition of a petition for stay of effectiveness of a final

order shall be made by the chair of the commission or the chair's designee.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-03-080, filed 8/4/00, effective 9/4/00.]

Chapter 139-05 WAC LAW ENFORCEMENT

WAC

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| 139-05-200 | Requirement of basic law enforcement training. |
| 139-05-210 | Basic law enforcement equivalency certification. |
| 139-05-220 | Backgrounding requirement for admission to basic law enforcement academy. |
| 139-05-230 | Physical requirements for admission to basic law enforcement academy. |
| 139-05-240 | Requirements of basic law enforcement academy. |
| 139-05-242 | Readmission to basic law enforcement academy. |
| 139-05-250 | Basic law enforcement curriculum. |
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| 139-05-810 | Basic training requirement for reserve officers. |
| 139-05-820 | Basic reserve equivalency certification. |
| 139-05-912 | Requirement of training for fire marshals. |
| 139-05-915 | Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. |
| 139-05-920 | Requirement of training for agriculture officers. |
| 139-05-925 | Requirement of training for railroad police officers. |
| 139-05-930 | Certification/decertification of D.A.R.E. officer. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 139-05-910 | Requirement of training for fire marshals. [Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-05-910, filed 9/10/86.] Repealed by 93-13-100, filed 6/21/93, effective 7/22/93. Statutory Authority: RCW 43.101.080(2). |
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WAC 139-05-200 Requirement of basic law enforcement training. (1) All commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington, except volunteers and reserve officers whether paid or unpaid and officers of the Washington state patrol, unless otherwise exempted by the Washington state criminal justice training commission, shall as a condition of continued employment successfully complete a basic law enforcement academy sponsored or conducted by the commission, or obtain a certificate of equivalent basic training from the commission. This requirement of basic law enforcement training shall be met within the initial six-month period of law enforcement employment, unless otherwise extended by the commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section shall include:

(a) Individuals holding the office of sheriff of any county on September 1, 1979;

(b) Auxiliary and reserve personnel; and

(c) Commissioned personnel.

(i) Who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:

(A) No police chief or sheriff of any agency with ten or fewer commissioned officers shall be eligible to receive such exemption;

(B) Any request for such exemption shall be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol and, in any

instance wherein the requestor is a police chief, such request shall be cosigned by requestor's appointing authority;

(C) Any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(D) Any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and

(E) Any approved administrative exemption may be revoked by the commission at any time upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;

(ii) Whose initial date of full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978; or

(iii) Who have been awarded a certificate of completion of the basic law enforcement academy or the basic law enforcement equivalency in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington state patrol, shall immediately notify the commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency. Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of noncompliance, by the commission, on approved form, to:

(a) The individual in noncompliance;

(b) The head of his/her agency;

(c) The civil service commission having jurisdiction of such agency;

(d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;

(e) The state auditor's office; and

(f) Any other agency or individual, as determined by the commission.

[Statutory Authority: RCW 43.101.080. 03-19-123, § 139-05-200, filed 9/17/03, effective 10/18/03; 00-17-017, § 139-05-200, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 89-13-024 (Order 14D), § 139-05-200, filed 6/13/89; 87-19-104 (Order 14-D), § 139-05-200, filed 9/18/87; 86-19-021 (Order 1-B), § 139-05-200, filed 9/10/86.]

WAC 139-05-210 Basic law enforcement equivalency certification. (1) A certificate of equivalent basic law enforcement training shall be issued only to applicants who successfully complete the equivalency process as required by the Washington state criminal justice training commission. For this purpose, the term "process" shall include all docu-

mentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic equivalency academy. A certificate of equivalent basic law enforcement training shall be recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington, who otherwise are eligible to attend the basic law enforcement academy, and who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training program, or any federal training program not otherwise approved by a majority of the commission membership.

(3) The participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to, the first available session of the basic equivalency academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic equivalency academy which is conducted within the initial sixty days of the employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic equivalency academy not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notation upon the hiring notification submitted to the commission for such officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission the following documentation as a precondition of participation within such process:

- (a) A copy of applicant's current and valid driver's license;
- (b) A copy of applicant's current and valid basic first-aid card;
- (c) A statement of applicant's health and physical condition by an examining physician;
- (d) A record of applicant's firearms qualification;
- (e) A liability release agreement by the applicant; and
- (f) A criminal records check regarding such applicant.

(7) If such training has not been completed previously, the applicant shall be required to complete the commission's forty hour emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of applicant's performances therein, the commission shall:

- (a) Issue a certificate of equivalent basic training;
- (b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require; or
- (c) Require completion of the basic law enforcement academy.

(9) Any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.

(10) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.

[Statutory Authority: RCW 43.101.080. 04-13-070, § 139-05-210, filed 6/15/04, effective 7/16/04; 03-07-099, § 139-05-210, filed 3/19/03, effective 4/19/03; 00-17-017, § 139-05-210, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-05-210, filed 9/10/86.]

WAC 139-05-220 Backgrounding requirement for admission to basic law enforcement academy. The Washington state criminal justice training commission is responsible for the conduct of the basic law enforcement academy and to therein certify, to and for the state of Washington, those officers who have demonstrated the ability and suitability requisite to law enforcement service and the public trust.

In accordance with that responsibility, and to ensure the continuing integrity and credibility of the basic academy program, no individual shall be granted academy admission or allowed continued participation if such individual, in adult status, has been convicted of a felony offense, or has been convicted of a gross misdemeanor or misdemeanor involving moral turpitude.

For this purpose, the term "convicted" shall include any disposition adverse to the subject, except a decision not to prosecute, a dismissal, or acquittal; provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

The term "felony offense" shall include any act or omission which is classified as a felony by the laws of the jurisdiction in which such act or omission occurred, or for which imprisonment in a federal or state penitentiary could have been imposed.

It shall be the responsibility of each sponsoring or applying agency to request a complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the applicant's fingerprints to an appropriate action agency or agencies.

Each application for academy attendance shall be accompanied by a written attestation by the applying agency

that (1) the aforementioned criminal records check has been effected regarding the individual for which academy application is being made, and (2) that such search indicated the absence of any felony conviction or other disqualifying conviction.

No exception to, or variance from, the above requirements or the prohibition which is provided, will be granted without the approval of the training commission.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-05-220, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-05-220, filed 9/10/86.]

WAC 139-05-230 Physical requirements for admission to basic law enforcement academy. Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the Washington state criminal justice training commission shall possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each recruit in any academy session shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the training commission.

Failure to demonstrate a requisite level of fitness will result in ineligibility for academy admissions and/or attendance.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-05-230, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 91-14-011, § 139-05-230, filed 6/24/91, effective 7/25/91; 91-01-043, § 139-05-230, filed 12/12/90, effective 7/1/91; 89-13-023 (Order 12C), § 139-05-230, filed 6/13/89; 86-19-021 (Order 1-B), § 139-05-230, filed 9/10/86.]

WAC 139-05-240 Requirements of basic law enforcement academy. (1) Each recruit in a basic law enforcement academy shall receive a certificate of completion only upon full and successful completion of the academy process as prescribed by the Washington state criminal justice training commission. The performance of each recruit shall be evaluated as follows:

(a) **Scholarship.** A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the Washington state criminal justice training commission, in evaluating the level of scholastic achievement of each recruit. Such process shall include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment.

(b) **Physical performance.** A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to

achieve a final passing grade in physical training, including defensive tactics, shall preclude a certificate of completion.

(c) **Department and conduct.** Failure to maintain an exemplary standard of deportment and conduct or to adhere to all rules, regulations and policies of a basic law enforcement academy sponsored or conducted by the commission may result in termination of academy assignment.

(2) Upon the written request of a recruit, or the head of a recruit's employing agency, any action affecting such recruit's status or eligibility for a certificate of completion shall be reviewed by the commission.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-05-240, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 93-13-098, § 139-05-240, filed 6/21/93, effective 7/22/93; 86-19-021 (Order 1-B), § 139-05-240, filed 9/10/86.]

WAC 139-05-242 Readmission to basic law enforcement academy. No person may be readmitted to the basic law enforcement training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission of the individual to the academy program, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by subsection (4) of this section, may be readmitted to a subsequent academy program only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, or the commission of a crime, or other violations not constituting disqualifying misconduct as defined in RCW 43.101.010 (7), shall not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) After the ineligibility period specified in subsection (4) of this section has passed, the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(6) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

[Statutory Authority: RCW 43.101.080. 04-19-050, § 139-05-242, filed 9/14/04, effective 10/15/04; 00-17-017, § 139-05-242, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 93-13-103, § 139-05-242, filed 6/21/93, effective 7/22/93.]

WAC 139-05-250 Basic law enforcement curriculum.

The basic law enforcement curriculum of the Washington state criminal justice training commission shall include, but not be limited to, the following core subject areas with common threads of communications, community policing and police ethics:

- (1) Introduction to law enforcement;
- (2) Criminal law;
- (3) Criminal procedures;
- (4) Patrol procedures;
- (5) Communication skills;
- (6) Emergency vehicle operation course;
- (7) Human relations;
- (8) Traffic law;
- (9) Firearms;
- (10) Defensive tactics; and
- (11) Criminal Investigation.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-05-250, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.010(2). 93-13-097, § 139-05-250, filed 6/21/93, effective 7/22/93. Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-05-250, filed 9/10/86.]

WAC 139-05-300 Requirement for in-service training. (1) The commission recognizes that continuing education and training is the cornerstone for a successful career as a peace officer in providing competent public safety services to the communities of Washington state.

(2) Every peace officer certified under RCW 43.101.095 shall complete a minimum of twenty-four hours of in-service training annually. The commission will establish an optional recordkeeping form along with published guidelines and/or criteria for approved in-service training and education. The training may be developed and provided by the employer or other training resources. The commission will maintain the records of successfully completed commission-sponsored and commission-recognized training. All remaining records for the training required under this rule must be maintained by the employing agency and be available for review upon request by an authorized commission representative.

(3) This requirement is effective January 1, 2006, for incumbent officers. The in-service training hours requirement for each newly hired officer will begin on the January 1 of the calendar year following their certification as a result of successful completion of the basic law enforcement academy,

equivalency academy, or approved waiver as provided by WAC 139-05-200.

(a) The sheriff or chief of an agency may approve an extension of three months for certified officers in their employ by notification in writing to the commission, identifying those specific officers.

(b) A sheriff or chief may request a three-month personal extension of the requirement by doing so in writing to the commission.

(c) Written requests submitted under the provision of (a) and (b) of this subsection must be received by December 1 of the calendar year in question.

[Statutory Authority: RCW 43.101.080. 05-01-112, § 139-05-300, filed 12/15/04, effective 1/15/05.]

WAC 139-05-810 Basic training requirement for reserve officers. (1) For the purposes herein:

(a) "Reserve officer" includes any law enforcement officer who does not serve as a law enforcement officer of this state on a full-time basis, but who, when called by such agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state; and

(b) "Field assignment" includes any period of active service wherein the assigned officer is expected to take routine and/or special enforcement actions, independently or otherwise, in the same manner and capacity as a full-time officer with such assignment.

(2) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW, every individual who is commissioned as a specially commissioned peace officer in this state, shall obtain a basic reserve certificate as a precondition of his/her exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued to him/her by the commission prior to January 1, 1989, shall be deemed to have met this requirement.

(3) Upon approval of an applicant's eligibility to participate in the reserve certification process, the applicant's employing agency shall submit to the commission all requested records, information and proof of background check as a precondition of participation within such process.

(4) A basic reserve certificate shall be issued by the commission to any individual who successfully completes:

(a) A basic course of instruction for reserve officers as prescribed and required by the commission; and

(b) A comprehensive examination developed and administered by the commission.

(5) Requirements of subsection (4) of this section may be waived in whole or in part as determined by the commission and based upon the following:

(a) An evaluation of an applicant's experience and training accomplishments;

(b) The fact that an individual is a regular full-time commissioned law enforcement officer who leaves full-time employment; or

(c) The fact that an officer has been certified in accordance with the requirements of subsection (2) of this section, and thereafter has engaged in regular and commissioned law enforcement employment without break or interruption in excess of twelve months duration.

In all of the above instances, the requests for such waiver must be submitted to the commission on an approved form by the applicant's agency head and, if approved, may result in direct issuance of a basic reserve certificate or issuance of such certificate upon successful completion of specific training requirements prescribed by the commission.

[Statutory Authority: RCW 43.101.080. 02-02-004, § 139-05-810, filed 12/20/01, effective 1/20/02; 00-17-017, § 139-05-810, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 88-20-022 (Order 20), § 139-05-810, filed 9/28/88.]

WAC 139-05-820 Basic reserve equivalency certification. (1) a certificate of equivalency basic reserve training shall be issued only to applicants who successfully complete the equivalency process as required by the commission. For this purpose, the term "process" shall include all documentation and prerequisites set forth in subsection (6) of this section, and successful completion of all knowledge and skills requirements within the basic reserve equivalency academy. A certificate of equivalency basic reserve training shall be recognized in the same manner as the certificate of completion of the basic reserve academy.

(2) Eligibility for participation in the basic reserve equivalency process shall be limited to reserve commissioned law enforcement officers who have attained basic certification through completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training, or any federal training program not otherwise approved by a majority of the commission membership.

(3) The participation of any eligible and approved applicant for a certificate of equivalent basic reserve training shall be effected within, and limited to, the first available session of a basic reserve academy following such applicant's date of hire; provided that no applicant shall be required to attend a session of the basic reserve equivalency academy which is conducted within the initial sixty days of employment for which certification is requested.

It shall be the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner and as necessary to ensure that the participation provided by this section is effected.

The participation of any applicant in any session of the basic reserve equivalency not otherwise provided herein shall require the approval of the commission.

(4) In those instances wherein an applicant has attended more than one basic training program, eligibility for participation in the basic reserve equivalency process shall not be approved if such applicant, for whatever reason, failed to successfully complete the most recent of such programs attended.

(5) The decision to request an officer's participation within the equivalency process shall be discretionary with the head of the officer's employing agency, who shall advise the commission of that decision by appropriate notification upon the hiring of the officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic reserve training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission all requested records, information and proof of background check as a precondition of participation with such process.

[Statutory Authority: RCW 43.101.080. 03-07-099, § 139-05-820, filed 3/19/03, effective 4/19/03; 02-02-004, § 139-05-820, filed 12/20/01, effective 1/20/02.]

WAC 139-05-912 Requirement of training for fire marshals. (1) The training prescribed herein shall constitute:

(a) The training requirement which must be met by deputy state fire marshals and resident fire marshals as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060, and

(b) The training standard recommended by the criminal justice training commission for local agencies employing a training requirement or prerequisite for the purpose of commissioning fire personnel.

(2) The training requirement herein prescribed for the purpose of RCW 48.48.060 shall be met by:

(a) Obtainment of the training commission's basic law enforcement certificate, or

(b) Obtainment of the training commission's basic law enforcement equivalency certificate, or

(c) Successful completion of a training program of at least one hundred and seventy-six hours, including:

| | | |
|-------|------------------------|----------|
| (i) | Criminal investigation | 52 hours |
| (ii) | Criminal law | 40 hours |
| (iii) | Criminal procedures | 42 hours |
| (iv) | Human relations | 38 hours |
| (v) | Use of force | 04 hours |

(3) No authorization, expressed or implied, to carry a firearm in the performance of official duties may be granted to any deputy state fire marshal or resident fire marshal unless such personnel has successfully completed a basic firearms training program. Such program shall be at least forty hours in length and include instruction in firearms care, handling, and usage, and a range qualification course approved by the training commission. Thereafter such personnel shall successfully complete an eight-hour firearms requalification course approved by the training commission during each year in which authorization to carry a firearm is granted or remains in effect.

(4) It shall be the responsibility of the state fire marshal to effect and ensure personnel compliance herein, and to provide documentation of such compliance upon the request of the training commission.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-05-912, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 93-13-101, § 139-05-912, filed 6/21/93, effective 7/22/93.]

WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. (1) Title and scope: These rules are

intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace officer certification. Nothing in these rules is intended to

limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes of this section, the following definitions shall apply:

(a) "Dog handler" means any fully commissioned law enforcement officer or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police canine within a law enforcement or corrections assignment; and

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police canine.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a dog handler and is recognized as a trainer of canines by a professional organization of police and/or corrections dog handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying dog handlers and canines to work as a canine team.

(3) A dog handler shall, as a precondition of such assignment, successfully complete the basic law enforcement academy or basic corrections officer academy, or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the training commission.

(4) Prior to such assignment, a dog handler shall successfully complete training according to the nature and purpose of utilization of the police canine for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police canine within general patrol or investigative activities, shall successfully complete a minimum of four hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Tracking;
- (vii) Trailing;
- (viii) Area search;
- (ix) Building search;
- (x) Evidence search;
- (xi) Pursuit and holding; and
- (xii) Master protection.

(b) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of specific substances, excluding explosives, shall successfully complete a minimum of two hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area search;
- (vii) Building search;
- (viii) Evidence search;
- (ix) Vehicle search; and
- (x) Detection of specific substances.

(c) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of explosive substances and devices, shall successfully complete a minimum of four hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area search;
- (vii) Private and commercial conveyance search;
- (viii) Building search;
- (ix) Evidence search; and
- (x) Detection of explosives.

(d) A dog handler who is responsible for the routine and regular utilization of a police canine solely for self-protection and assistance in hostile or potentially hostile situations, shall successfully complete at least two hundred hours of training, which shall include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit and holding; and
- (vii) Master protection.

(5) The commission shall develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It shall be the handler's responsibility to keep their canines under control at all times. Each handler must be able to make their canine perform to a level that is deemed acceptable by the commission in the category for the team's intended use as a condition of certification.

(6) Certification of canine teams:

(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine or the handler changes, a new team exists and the team must be certified.

(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a specific purpose.

(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance shall be rated on a pass/fail basis. The evaluator shall have the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission shall certify a canine team who can successfully show proficiency, under scrutiny of a canine evaluator, in all of the areas in which the canine will be used:

(i) Patrol and investigation:

- (A) Obedience;
- (B) Protection and control;
- (C) Area search;
- (D) Building search; and
- (E) Tracking.

(ii) Detection:

- (A) Building search;
- (B) Vehicle search;
- (C) Exterior search; and
- (D) Obedience.

(iii) Explosive detection:

- (A) Obedience;
- (B) Building search;
- (C) Private and commercial conveyance search;
- (D) Exterior search.

(iv) Master protection:

- (A) Obedience;
- (B) Protection and control.

(e) Each certification issued pursuant to these rules shall remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification shall expire if the specific handler and canine, originally paired at the time of certification, cease to perform canine team functions together or if the function for which the team was certified changes. It is recommended that teams recertify on an annual basis.

(f) If the canine team fails any phase of an evaluation, the team must be reevaluated in that particular phase. Canine teams will be allowed three attempts to successfully pass the requirements of each phase during an evaluation. If the team does not pass by the third attempt, the team shall be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.

(g) Any handler who believes there has been improper procedures applied in the testing process, may file an appeal with the commission in writing. This appeal must be filed within thirty days of the last testing date pursuant to WAC 139-03-020.

(7) Recordkeeping:

(a) Each agency shall be required to keep training, performance, and identification records on canines. The records must stay with the agency responsible for the canine team. The records shall be made available for review in the event that the canine is sold or transferred to another agency. The records shall include, but not be limited to:

- (i) Microchip number (if applicable);
- (ii) Canine's name;
- (iii) Breed;
- (iv) Training records;
- (v) Certification date;

(vi) Date acquired or purchased;

(vii) Source from which the canine was acquired;

(viii) Purpose, use, or assignment of canine;

(ix) Handler's name;

(x) The date and reason the canine was released from service; and

(xi) Copies of all incident reports in which use of the canine resulted in the use of force.

(b) These records shall be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.

(c) It shall be the responsibility of the handler to advise their employing agency of the fact that they have met the standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification shall be submitted to the commission by the employing agency. This shall be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission shall issue certification to the canine team.

(8) It is recommended that a canine intended for use by a law enforcement or corrections agency, be positively identified by having a microchip medically inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.

Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the canine's training records and a new microchip inserted, if medically appropriate.

[Statutory Authority: RCW 43.101.080, 05-01-114, § 139-05-915, filed 12/15/04, effective 1/15/05; 03-07-100, § 139-05-915, filed 3/19/03, effective 4/19/03; 00-17-017, § 139-05-915, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-05-915, filed 9/10/86.]

WAC 139-05-920 Requirement of training for agriculture officers. (1) For purposes of this regulation, the term "agriculture officer" means any individual appointed by the state director of agriculture to enforce those laws relating to commission merchants, livestock identification, and livestock brand registration and inspection.

(2) As a precondition of any exercise of authority generally vested in a peace officer, an agriculture officer shall successfully complete training which shall include, but is not limited to:

(a) Criminal procedures, to include the legal system, search and seizure, laws of arrest, and constitutional law - eight hours;

(b) Evidence law - two hours;

(c) Criminal investigation - eight hours;

(d) Effective interviewing and interrogation - four hours;

(e) Communication skills - six hours;

(f) Criminal law - four hours;

(g) Officer safety and basic patrol procedures - four hours;

(h) Use of deadly force - four hours.

(3) As a precondition of any authorization to carry a firearm during the performance of duties, an authorized agriculture officer shall have successfully qualified in the firearms course which is incorporated by the basic law enforcement academy program of the Washington state criminal justice training commission, or is otherwise approved by the training commission. Such qualification shall be effected annually, or within a period of twelve months preceding the aforementioned firearms authorization.

(4) It shall be the responsibility of the state director of agriculture to effect and ensure personnel compliance herein and to provide necessary records and information upon the request of the training commission, to which said director shall be accountable for purposes of such compliance. Additionally, any equivalency process or official recognition of equivalent training or experience in determining an agriculture officer's compliance herein shall be within the prerogative and authorities of such director.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-05-920, filed 9/10/86.]

WAC 139-05-925 Requirement of training for railroad police officers. (1) For the purpose of this regulation, the term "railroad police" means any individual appointed by the commission under the provisions of RCW 81.60.010 through 81.60.060.

(2) Effective January 1, 2002, as a precondition of any newly appointed railroad police officer to enforce the laws of this state, railroad police shall:

(a) Possess the commission's basic certificate, or in the alternative have successfully completed training and possess a basic certification from another state. In the event certification and training are from another state, the newly appointed railroad police officer must satisfactorily complete the equivalency course approved by the commission, within the first six months of employment.

(b) The above requirements do not apply to railroad police officers appointed prior to January 1, 2002; however, they may, if qualified, attend the equivalency academy.

(c) Railroad police officers whose primary duties are those of administration of other railroad police officers may request an administrative exemption from the above training requirements. Administrative exemptions may be granted by the commission provided that the initial grant and continuing effect of such exemption shall be governed by the provisions of WAC 139-05-200 (2)(c)(i).

(3) It shall be the responsibility of the railroad police officer's employing agency to effect and ensure personnel compliance herein, and provide necessary records, proof of background check information upon request of the commission to which the employing agency shall be accountable for purposes of compliance.

(4) The corporation requesting appointment of a railroad police officer shall bear the full cost of training or any other expenses.

[Statutory Authority: RCW 43.101.080, 03-19-122, § 139-05-925, filed 9/17/03, effective 10/18/03; 02-02-004, § 139-05-925, filed 12/20/01, effective 1/20/02.]

(2005 Ed.)

Statutory Authority: RCW 43.101.080(2), 90-07-012, § 139-05-925, filed 3/13/90, effective 4/13/90.]

WAC 139-05-930 Certification/decertification of D.A.R.E. officer. (1) No individual shall deliver, present, or otherwise provide the drug abuse resistance education (D.A.R.E.) curriculum or program within any public or private school of this state unless such individual is a certified D.A.R.E. officer. For this purpose, the term "certified D.A.R.E. officer" means any individual who:

(a) Is engaged in regular, full-time commissioned employment with a general enforcement agency of this state;

(b) Has complied and remains in compliance with the basic training requirements of RCW 43.101.200;

(c) Has been selected or appointed as a D.A.R.E. officer candidate by his or her agency head, and such selection or appointment is based upon a process which evaluates appearance, commitment, integrity, communications skills, and ability to establish rapport with preteen and teenage students;

(d) Has successfully completed a basic 80-hour "D.A.R.E. officer" training program approved by the Washington state criminal justice training commission; and

(e) Remains in certified status and in good standing as a D.A.R.E. officer.

(2) Any D.A.R.E. officer of this state may be decertified by the training commission through the suspension or revocation of his or her certification for one or more of the following reasons:

(a) Failure to personally provide or conduct one full D.A.R.E. curriculum within any 24-month period;

(b) Use of any controlled substance or unprescribed drug in violation of any statute, ordinance, or departmental directive;

(c) Intemperate use of alcohol;

(d) Commission of any crime;

(e) Public or private conduct which brings, or can reasonably be expected to bring, discredit, ridicule, embarrassment, or other negative effect to the D.A.R.E. program;

(f) Knowingly involving himself or herself with any program or activity, including fundraising effort or activity, which falsely or fraudulently purports to be D.A.R.E. or D.A.R.E. related; or

(g) Knowingly violating any rule, regulation, or requirement established by D.A.R.E. America or the training commission for the purpose of ensuring program uniformity, program integrity, or vendor or copyright control.

(3) Any D.A.R.E. officer's certificate may be suspended or revoked for cause by the training commission's executive director or his or her designee. Appeal therefrom may be taken to the commission in accordance with WAC 139-01-810.

[Statutory Authority: RCW 43.101.080(2), 91-01-042, § 139-05-930, filed 12/12/90, effective 1/12/91.]

Chapter 139-06 WAC

CERTIFICATION, DENIAL, REVOCATION, INVESTIGATION, COMMENCEMENT OF ACTION

WAC

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WAC 139-06-010 Certification. (1) Effective January 1, 2002, all Washington peace officers shall be required to submit a signed peace officer certification form to the commission, which shall serve as an official request for certification as a peace officer in Washington state. The form shall be submitted to the commission by the peace officer at such time as the peace officer has met the requirements for certification contained in RCW 43.101.095, and shall certify that the peace officer has met such requirements. The commission shall issue a certificate of peace officer certification upon verification that the peace officer is eligible for certification.

(2) A peace officer who has satisfied, or has been exempted from, the basic training requirements of RCW 43.101.200, prior to January 1, 2002, but who was not employed as a commissioned peace officer on January 1, 2002, and has not had a break of more than twenty-four consecutive months of law enforcement service, shall upon his or her return to employment submit a peace officer certification form to the commission as described in subsection (1) of this section. The commission shall issue a certificate of peace officer certification upon verification that the peace officer is eligible for certification. If the peace officer's break in law enforcement service was more than twenty-four consecutive months, the peace officer must comply with the training requirements of WAC 139-05-200. The commission shall determine under chapter 43.101 RCW and rules of the commission whether the peace officer is eligible for certification and, if so, it shall determine any requirements that the peace officer must meet as a condition of certification.

(3) A certification granted based on an administrative exemption under WAC 139-05-200 shall remain in effect for the duration of the exemption.

(4) Upon determination that a certification form contains missing or deficient information, commission staff shall notify the peace officer and the peace officer's employing agency (for purposes of this chapter, "peace officer's employing agency" shall mean the law enforcement agency of termination and/or current employing law enforcement agency) of such and the peace officer must submit the missing or deficient information to the commission within thirty days of the date the request is issued. Failure to submit the missing or deficient information within the required time shall result in a recommendation that the peace officer's request for certification be denied.

(4) In order to determine a peace officer's eligibility for certification, commission staff may request information in addition to that provided on the peace officer certification form. The peace officer or the peace officer's employing agency shall submit the requested information within thirty days of the date the request is issued. Failure to comply with the commission's request shall result in a recommendation that the peace officer's request for certification be denied.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-010, filed 12/20/02, effective 1/20/03.]

WAC 139-06-020 Notification of termination. (1)

Each law enforcement agency of the state of Washington or any political subdivision thereof who employs peace officers shall notify the commission by approved personnel action report form when a peace officer terminates employment with that agency for any reason. Such notification must be made within fifteen days of the termination becoming final.

(2) The agency shall, upon request by the commission, provide any additional documentation, files or information, as the commission may deem necessary to determine whether the termination provides grounds for revocation or denial of the peace officer's certification.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-020, filed 12/20/02, effective 1/20/03.]

WAC 139-06-030 Investigative cooperation. All

agencies shall cooperate in any investigation conducted by the commission regarding a peace officer's certification status.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-030, filed 12/20/02, effective 1/20/03.]

WAC 139-06-040 Investigation, probable cause—Commencement of proceedings. (1)

Upon request by a peace officer's employing agency, on its own initiative, or upon the filing of a complaint, on an approved form, by a law enforcement officer or duly authorized representative of a law enforcement agency, the commission may commence an investigation to determine whether there is probable cause to believe that a peace officer's certification should be denied or revoked under RCW 43.101.105.

(2) Upon a determination by commission staff that there is not probable cause to revoke or deny a peace officer's certification, a copy of the decision not to proceed, with a brief statement of the reasons for the decision, shall be furnished to the peace officer's employing agency, the complainant, if any. A peace officer's employing agency, or the complainant, if any, may request review by the chair of the commission or his or her designee, of a determination that there is not probable cause to revoke or deny a peace officer's certification, by making such request in writing within fourteen days of the mailing of notification of the decision not to proceed.

(3) Upon a determination by the commission that there is probable cause to believe that the peace officer's certification should be revoked or denied, the commission shall prepare a statement of charges and commence revocation proceedings under RCW 43.101.155.

(4) Any designee of the chair under this section must be a member of the commission.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-040, filed 12/20/02, effective 1/20/03.]

WAC 139-06-050 Notification—Request for hearing—Default. (1) Commission staff shall prepare a statement of charges, stating the grounds for denial or revocation of the peace officer's certification. The statement of charges shall be accompanied by a notice that the peace officer is entitled to a hearing on the denial or revocation of certification. The notice shall include the steps the peace officer must take to request a hearing. The notice and statement of charges shall be sent to the peace officer and a copy to the peace officer's employing agency.

(2) A request for a hearing on the denial or revocation of certification must be made by the peace officer on an approved form and received by the commission within sixty days from the date of the mailing of the statement of charges.

(3) Failure to request a hearing, or failure to appear at a requested hearing or at a prehearing conference, shall constitute default and the hearing panel shall enter a final order under RCW 34.05.440.

(4) A peace officer may waive a hearing by so indicating on the hearing request form. By waiving a hearing the peace officer acknowledges that his or her certification should be denied or revoked and the hearings panel shall enter such an order.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-050, filed 12/20/02, effective 1/20/03.]

HEARING

WAC 139-06-060 Hearing panels. (1) The commission shall establish a list of eligible individuals to be appointed as members of the hearing panels. Names may be submitted for consideration from law enforcement agencies, law enforcement organizations representing management or labor, from institutions of higher learning, and from eligible individuals interested in serving as panel members. Staff shall review applications and submit a list of eligible individuals to the commission. The commission shall have sole discretion over the selection of panel members.

(2) A new panel may, but need not, be established for each hearing.

(3) Each hearing panel shall select a presiding member who shall be responsible for signing documents on behalf of the panel, and for conducting prehearing conferences and any other hearings that may be necessary. If a panel hears more than one hearing, a new presiding member may, but need not, be selected for each hearing.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-060, filed 12/20/02, effective 1/20/03.]

WAC 139-06-070 Location of hearings—Identification of panel—Disqualification. (1) Upon receipt of a request for hearing, the hearing panel shall set the date and time of the hearing, and the date and time of a prehearing conference. Hearings will be held at the commission's training facility located at: 19010 1st Avenue South, Burien, Washington, 98148, unless the panel determines otherwise.

(2005 Ed.)

(2) Notification of the dates of the hearing and initial prehearing conference shall also contain the names of the members of the hearing panel.

(3) Any motion for disqualification of a panel member must be filed prior to the initial prehearing conference.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-070, filed 12/20/02, effective 1/20/03.]

WAC 139-06-080 Filing of documents. An original and five copies of all documents, pleadings and other correspondence shall be filed at the commission's training facility located at: 19010 1st Avenue South, Burien, Washington, 98148, addressed to the attention of the certification manager, and one copy shall also be served on the opposing party or their attorney, if represented by counsel. Service shall be accomplished in accordance with the superior court civil rules.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-080, filed 12/20/02, effective 1/20/03.]

WAC 139-06-090 Prehearing conferences. The parties or their attorneys shall attend the prehearing conference(s), which may be held telephonically, and which may be conducted by the presiding member of the hearing panel. The parties shall be prepared to discuss the timing and filing of any motions, and of witness and exhibit lists, as well as the need for discovery. A prehearing order shall be issued at the conclusion of the conference.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-090, filed 12/20/02, effective 1/20/03.]

WAC 139-06-100 Attendance at hearing—Burden of proof. (1) The peace officer shall appear in person at the hearing. Failure to appear in person shall constitute default and the hearing panel shall enter an order under RCW 34.05.440.

(2) The standard of proof shall be clear, cogent, and convincing evidence.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-100, filed 12/20/02, effective 1/20/03.]

WAC 139-06-110 Final order. (1) The hearing panel shall enter its final order within ninety days of the conclusion of the hearing, unless the time period is extended for good cause, or waived. A copy of the order shall be sent to the parties, the peace officer's employing agency, and the complainant, if any.

(2) The decision of the hearing panel shall be the final decision of the commission.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-110, filed 12/20/02, effective 1/20/03.]

REINSTATEMENT OF CERTIFICATION

WAC 139-06-120 Petition for reinstatement of certification. A peace officer whose peace officer certification has been denied or revoked may petition the commission for certification or reinstatement of certification at such time as he or she is eligible under RCW 43.101.115 and this section. A peace officer whose certification has been denied or

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revoked based on more than a single factor, must be eligible for certification or reinstatement of certification for each factor.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-120, filed 12/20/02, effective 1/20/03.]

WAC 139-06-130 Standards for reinstatement of certification. (1)(a) A peace officer denied certification based upon dismissal or withdrawal from basic law enforcement academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting the requirements set forth in WAC 139-05-242 (Readmission to basic law enforcement academy). The commission may impose a probationary period upon readmission.

(b) A peace officer denied certification based upon dismissal or withdrawal from basic law enforcement academy for disqualifying misconduct is eligible for readmission and certification only upon meeting the requirements of subsection (4) of this section.

(2) A peace officer whose certification is denied or revoked based upon prior administrative error of issuance is eligible for certification or reinstatement of certification upon a determination by the commission that the factors that should have prevented the peace officer from being certified have been remedied and the peace officer is otherwise eligible for certification.

(3) A peace officer whose certification is denied or revoked based upon failure to cooperate, or interference with an investigation, is eligible for certification or reinstatement of certification if the peace officer's conduct did not also involve disqualifying misconduct, or other illegal or unethical conduct, and upon a showing that the peace officer has thereafter fully cooperated and is otherwise eligible for certification. In making its determination, the commission may consider the nature and seriousness of the peace officer's conduct.

(4) A peace officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after revocation or denial, petition the commission for certification or reinstatement of certification. The commission shall hold a hearing on the petition for certification or reinstatement of certification. The commission may allow certification or reinstatement of certification upon finding that the peace officer has engaged in no further disqualifying or similar misconduct, has had no further criminal convictions, has engaged in no other illegal or unethical conduct, and is otherwise eligible for certification.

(5) A peace officer whose certification is denied or revoked based solely upon a criminal conviction may petition the commission for certification or reinstatement of certification immediately upon final judicial reversal of the conviction. The commission shall hold a hearing on the petition for certification or reinstatement of certification. The commission may allow certification or reinstatement of certification upon finding that the peace officer has engaged in no further disqualifying or similar misconduct, has had no further criminal convictions, has engaged in no other illegal or unethical conduct, and is otherwise eligible for certification.

(6) A peace officer whose certification has been denied or revoked, or whose certification has lapsed, due to a break of more than twenty-four consecutive months of law enforcement service as a peace officer, may upon return to service as a law enforcement officer, petition the commission for certification or reinstatement of certification. Upon receipt of a petition for certification or reinstatement of certification, the commission shall determine if the peace officer is eligible for certification or reinstatement of certification. The terms of certification or reinstatement of certification may be subject to the requirement of basic law enforcement academy or the basic law enforcement equivalency academy in addition to other requirements as imposed by the commission.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-130, filed 12/20/02, effective 1/20/03.]

WAC 139-06-140 Hearing on reinstatement of certification. (1) The commission may hold a hearing to determine the peace officer's eligibility for certification or reinstatement of certification.

(2) Upon receipt of a petition for certification or reinstatement of certification and a determination by commission staff that a hearing is necessary, or required, the peace officer and the peace officer's employing agency shall be notified in writing. Where a hearing is not held, the peace officer and the peace officer's employing agency shall be notified in writing of the commission's decision whether to certify or reinstate the peace officer, and the reasons for the decision. Where the peace officer is not certified or reinstated, the peace officer or the peace officer's employing agency may request a hearing before a hearing panel by making such request in writing within fourteen days of the mailing of notification that certification is not being granted or reinstated.

(3) Hearings on certification or reinstatement of certification shall be conducted by a hearing panel. The hearing panel shall review the certification file and any additional information submitted by the parties prior to the hearing and may request any additional information in order to assist in its determination. The issues shall be limited to whether the peace officer is eligible for certification or reinstatement of certification, and appropriate probationary terms in the event certification is granted or reinstated.

(4) The hearing panel shall enter a written order regarding certification or reinstatement of certification within ninety days of the conclusion of the hearing, unless the time period is extended for good cause, or waived. A copy of the order shall be sent to the parties, and to the peace officer's employing agency.

(5) The decision of the hearing panel shall be the final order of the commission.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-140, filed 12/20/02, effective 1/20/03.]

WAC 139-06-150 Probationary terms on reinstatement. Upon a determination that a peace officer should be certified or reinstated, the commission may impose a term of probation which may include requirements to ensure that the peace officer has taken positive and substantial steps or actions to reconcile the causes for which the peace officer's certification was denied or revoked. When probation is imposed, the terms shall be furnished in writing to the peace

officer and the peace officer's agency. Failure of the peace officer to meet the terms of probation may be grounds for a hearing to determine the status of the peace officer's certification.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-150, filed 12/20/02, effective 1/20/03.]

MISCELLANEOUS

WAC 139-06-160 Miscellaneous. These rules are intended to supplement the procedures contained in the Administrative Procedure Act, chapter 34.05 RCW, and the model rules of procedure, chapter 10-08 WAC. In the case of conflict between the Administrative Procedure Act, the model rules of procedure, and the procedural rules adopted in this chapter, the procedural rules adopted in this chapter shall govern.

Peace officer certification proceedings are distinct from proceedings before the commission under chapter 139-03 WAC and this chapter is not intended to modify chapter 139-03 WAC.

This chapter is not intended to affect standards relating to civil service appeals, to collective bargaining remedies, or to any similar remedies for direct review of employment actions.

[Statutory Authority: RCW 43.101.080. 03-02-010, § 139-06-160, filed 12/20/02, effective 1/20/03.]

Chapter 139-10 WAC CORRECTIONS

WAC

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WAC 139-10-210 Requirement of basic corrections training. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington state criminal justice training commission. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by

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the commission. Requests for extension or waiver of the basic training requirement shall be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and detention facilities. Representative job classifications include, but are not limited to, custody and correctional officers.

(b) Misdemeanant probation/classification academy. All employees whose primary job function is the case management of offenders under county/city supervision, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, adult probation officers, jail classification counselors, and work crew supervisors.

(c) Community corrections officers academy. All employees whose primary job function is the case management of offenders under state department of corrections supervision including, monitoring adjustment of offenders involved with in/outpatient treatment programs; counseling offenders and/or referring them for counseling or other resource/treatment programs; making home/field visits pursuant to offender classification standards. Representative job classifications include, but are not limited to, community corrections officer, community risk management specialist, hearings officers and victim advocates.

(d) Institutional corrections counselors academy. All employees whose primary job function is to provide classification and program services to adult felony offenders housed in a state institutional setting: Parole planning; work/training release and prerelease referrals; academic/vocational/work program reviews; disciplinary and living unit program reviews; risk management identification. Representative job classes include, but are not limited to, correctional counselor, classification counselor, institution risk management specialist and corrections mental health counselors.

(e) Juvenile services academy. All employees working with juveniles whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors, case aides/assistants, trackers, juvenile rehabilitation community counselors, juvenile drug court counselors, and community surveillance officers.

(f) Juvenile corrections officers academy. All employees responsible for the care, custody, and safety of youth in county and state juvenile custody facilities. Representative job class includes, but are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers.

(g) Juvenile residential counselors academy. All employees responsible for the case management, custody, counseling, supervision and application of researched based treatment to youth in state institutions. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselor, juvenile residential rehabilitation counselor assistant, and juvenile rehabilitation supervisor.

(h) Work release academy. All employees responsible for the safety, custody and care of adult offenders in a work release facility. Representative job class includes, but is not limited to, work release officers, work release counselors, and work release program monitors.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.

An agency may elect to forgo completely any basic academy training if such employee occupies a middle management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

(3) Failure to comply with the above requirements shall result in a notification of noncompliance from the commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the civil service commission, and/or the state auditor's office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

[Statutory Authority: RCW 43.101.080, 04-13-071, § 139-10-210, filed 6/15/04, effective 7/16/04; 00-17-017, § 139-10-210, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.220, 95-08-036 and 95-09-070, § 139-10-210, filed 3/30/95 and 4/19/95, effective 4/30/95 and 5/20/95. Statutory Authority: RCW 43.101.080(2), 87-19-105 (Order 15-D), § 139-10-210, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-210, filed 9/10/86. Formerly WAC 139-36-020.]

WAC 139-10-212 Physical requirements for admission to basic corrections academies. Each successful applicant for admission to a basic corrections officer or juvenile security workers academy sponsored or conducted by the Washington state criminal justice training commission shall possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each trainee in any academy session shall, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the training commission.

For this purpose, each academy applicant shall be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the Training Commission. Such evaluation shall be based upon composite performance ratings in the overall assessment as established by the commission.

Failure to demonstrate a requisite level of fitness within the overall assessment will result in ineligibility for academy attendance and completion.

[Statutory Authority: RCW 43.101.080, 00-17-017, § 139-10-212, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2), 91-14-010, § 139-10-212, filed 6/24/91, effective 7/25/91; 91-01-044, § 139-10-212, filed 12/12/90, effective 7/1/91.]

WAC 139-10-215 Basic corrections academy equivalency certification. (1) A certificate of equivalent basic cor-

rections training shall be issued only to corrections employees who successfully complete the equivalency process as required by the Washington state criminal justice training commission and shall be recognized in the same manner as the certificate of completion of a basic corrections academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time custody and case management employees of publicly funded corrections agencies within this state who have either:

(a) Obtained certification through successful completion of an accepted basic corrections training program in this or another state.

(b) Previously held certification in this state and incurred a break or interruption of corrections employment in excess of twenty-four months.

The determination of program acceptability shall be the responsibility of the commission's executive director or his/her designee and shall be based upon a description and/or curriculum specifying subject areas and hourly allocation thereto.

(3) The decision to request an employee's participation within the equivalency process shall be discretionary with the chief executive officer of the employing agency. Such request shall be made to the commission in the approved form, signed by the chief executive officer of the requesting agency and shall include:

(a) Documented certification of successful completion of a basic corrections training program accepted by the training commission for the purposes of equivalency participation pursuant to the provisions of section (2) above;

(b) Written curriculum detailing specific areas of training and hours of training in specific areas;

(c) Copies of current and valid basic cardiopulmonary resuscitation (CPR) card and current and valid basic or advanced first-aid card(s) taken within the past year;

(d) Statement of applicant's health and physical condition from a licensed physician giving clearance for participation in physical training and defensive tactics coursework.

(4) Following receipt and acceptance of the above by the training commission, the applicant may participate in the equivalency process which shall include written examinations of specific core material classes, practical testing in basic skill areas, and full participation in mock scenes.

(5) Upon completion of the examination process outlined in section (4) and evaluation of the applicant's performance, the training commission shall:

(a) Issue a certificate of equivalent basic training;

(b) Issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the training commission may require;

(c) Require completion of the appropriate basic corrections academy program.

(6) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the training commission if it is determined that sufficient justification exists for such action. Any action or determination by commission staff regarding a requestor or applicant for equivalency certification may, upon written request of the involved individual or agency, be appealed to the training commission executive director, or designee.

[Statutory Authority: RCW 43.101.080. 03-13-098, § 139-10-215, filed 6/17/03, effective 7/18/03; 00-17-017, § 139-10-215, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 91-01-041, § 139-10-215, filed 12/12/90, effective 1/12/91.]

WAC 139-10-220 Requirements of basic corrections academy. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington state criminal justice training commission. The performance of each trainee shall be evaluated as follows:

(a) **Scholarship.** A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) **Participation.** Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes active and full participation in the physical activities required for certification. In no instance shall certification be granted until successful completion of physical fitness training, including defensive tactics, has been achieved.

(c) **Department and conduct.** Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy enrollment.

(2) Upon the written request of a trainee, or the head of a trainee's employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-220, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 93-13-099, § 139-10-220, filed 6/21/93, effective 7/22/93; 87-19-105 (Order 15-D), § 139-10-220, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-220, filed 9/10/86. Formerly WAC 139-36-030.]

WAC 139-10-221 Scholastic performance requirements for basic corrections training. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the basic academy process as prescribed by the Washington state criminal justice training commission. The performance of each trainee shall be evaluated as follows:

(a) **Scholastic achievement.** A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement of each trainee. Such process shall include the application of a minimum passing score for written examinations in each academy, as determined by the rules of the commission and include the availability of a retesting procedure.

(b) **Skill proficiency.** A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of skill proficiency of each trainee. Such process shall include application of a minimum passing score of seventy percent

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for demonstration of all skill proficiencies identified by the commission and include the availability of a retesting procedure.

(c) Employing agencies will be notified of test results within twenty-four hours in the case of test failure. Agency authorization for retesting must occur before the retest examination is conducted. Subsequent failure of the retest will result in commission notification to the employing agency executive director, or designee, and removal of the affected trainee from the academy.

(2) In the event of retest failure, and subsequent academy removal, a letter of training attendance will be sent to the employing agency and a certificate of completion will not be awarded. The affected trainee will not be eligible for reentry into that same academy for a three-month period, if continually employed by the same agency.

Hours of successfully completed training will be recorded by the commission in the trainee's commission training record.

[Statutory Authority: RCW 43.101.080. 03-02-009, § 139-10-221, filed 12/20/02, effective 1/20/03; 00-17-017, § 139-10-221, filed 8/4/00, effective 9/4/00.]

WAC 139-10-222 Readmission to corrections academies. No person may be readmitted to any corrections training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency chief executive officer, or designee.

(2) Any individual terminated from any academy for academic failure, skills deficiency or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency, or designee, submits to the commission a written request for readmission of the individual to the academy program, and

(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission previously specified by the agency director or designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) The head of the individual's current employing agency, or designee, submits to the commission a written request for readmission, and

(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission previously specified by the director or designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of a crime shall not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted at the sole discretion of the commission executive director or designee, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made by the head of the agency employing the individual at the time of the request. Such request may be granted by the executive director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The executive director's decision under this subsection shall be subject to further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or designee, is satisfied that any conditions to the individual's readmission specified by the agency director or designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-222, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 93-07-119, § 139-10-222, filed 3/24/93, effective 4/24/93.]

WAC 139-10-230 Basic corrections officers academy curriculum. The basic corrections officers academy curriculum of the Washington state criminal justice training commission, shall be one hundred sixty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Observation skills
 - (b) Communication skills
 - (c) Security management
 - (d) Supervision of inmates
 - (e) Discipline of inmates
 - (f) Proper use of physical force
 - (g) Writing skills
- (2) Key skills
 - (a) Legal issues
 - (b) Dealing with aggressive behavior
 - (c) Dealing with medical problems
 - (d) Dealing with mental illness problems
 - (e) Problem solving
 - (f) Report writing
 - (g) Avoiding inmate manipulation
 - (h) Booking and classification
 - (i) Fingerprinting

- (3) Related skills
 - (a) Stress management
 - (b) Physical fitness
 - (c) Professionalism
 - (d) Human relations/cultural awareness
 - (e) Self-leadership.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-230, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-105 (Order 15-D), § 139-10-230, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-230, filed 9/10/86. Formerly WAC 139-36-031.]

WAC 139-10-235 Basic adult services academy curriculum. The basic adult correctional services academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Assessment
 - (b) Motivation
 - (c) Goal setting/action planning
 - (d) Monitoring and intervention
- (2) Key skills
 - (a) Interpersonal skills
 - (b) Interviewing
 - (c) Classification
 - (d) Supervision and discipline
 - (e) Offense prevention
- (3) Related skills
 - (a) Dealing with aggressive and resistive behavior
 - (b) Legal issues
 - (c) Report writing
 - (d) Counseling techniques
 - (e) Managing information.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-235, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-105 (Order 15-D), § 139-10-235, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-235, filed 9/10/86. Formerly WAC 139-36-032.]

WAC 139-10-236 Work release academy curriculum. The basic work release academy curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Observation skills
 - (b) Communication skills
 - (c) Security management
 - (d) Offender behavior management
- (2) Key skills
 - (a) Report writing
 - (b) Personal safety
 - (c) Offender manipulation
 - (d) Professionalism
 - (e) Team building
- (3) Related skills
 - (a) Gang identification
 - (b) Substance abuse issues
 - (c) Self leadership
 - (d) Legal issues.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-236, filed 8/4/00, effective 9/4/00.]

WAC 139-10-237 Basic juvenile services academy curriculum. The basic juvenile services academy curriculum of the Washington state criminal justice training commission shall be eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Assessment
 - (b) Motivation
 - (c) Goal setting/action planning
 - (d) Monitoring and intervention
- (2) Key skills
 - (a) Interpersonal skills
 - (b) Interviewing
 - (c) Classification
 - (d) Supervision and discipline
 - (e) Offense prevention
- (3) Related skills
 - (a) Dealing with aggressive and resistive behavior
 - (b) Ethnic competency
 - (c) Legal issues
 - (d) Report writing
 - (e) Counseling techniques
 - (f) Skill training
 - (g) Teamwork.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-237, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-105 (Order 15-D), § 139-10-237, filed 9/18/87.]

WAC 139-10-240 Basic juvenile corrections officer academy curriculum. The basic juvenile corrections officer academy curriculum of the Washington state criminal justice training commission shall be at least eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Observation skills
 - (b) Interpersonal skills
 - (c) Security management
 - (d) Supervision of youth
 - (e) Discipline of youth
 - (f) Proper use of physical force
 - (g) Writing skills
- (2) Key skills
 - (a) Legal issues
 - (b) Dealing with aggressive behavior
 - (c) Handling medical problems
 - (d) Handling mental illness problems
 - (e) Report writing
 - (f) Skills training
 - (g) Reception and classification
- (3) Related skills
 - (a) Professionalism
 - (b) Physical fitness
 - (c) Stress management.

[Statutory Authority: RCW 43.101.080. 05-01-110, § 139-10-240, filed 12/15/04, effective 1/15/05; 00-17-017, § 139-10-240, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-105 (Order 15-D), § 139-10-240, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-240, filed 9/10/86. Formerly WAC 139-36-033.]

(2005 Ed.)

WAC 139-10-245 Basic juvenile residential counselor academy curriculum. The basic juvenile residential counselor academy curriculum of the Washington state criminal justice training commission shall be at least eighty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Observation skills
 - (b) Interpersonal skills
 - (c) Security management
 - (d) Supervision of youth
 - (e) Discipline of youth
 - (f) Proper use of physical force
 - (g) Applying research based treatment
 - (h) Writing skills
- (2) Key skills
 - (a) Legal issues
 - (b) Dealing with aggressive behavior
 - (c) Handling medical problems
 - (d) Handling mental illness problems
 - (e) Skills training
- (3) Related skills
 - (a) Professionalism
 - (b) Stress management.

[Statutory Authority: RCW 43.101.080. 05-01-111, § 139-10-245, filed 12/15/04, effective 1/15/05.]

WAC 139-10-310 Requirement of corrections supervisory training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time first-level or second-level supervisory position shall successfully complete, prior to, or within six months after such promotion or appointment, unless otherwise extended or waived by the commission the commission's first-level and second-level supervision course, or other training deemed the equivalent by the commission's executive director, or designee.

(2) It shall be the responsibility of the employing agency, in consultation with the commission corrections training manager, to determine which of its employees should attend the first-level and second-level supervisory course. In general, first-level supervision positions are defined as positions above operational level for the direct supervision of nonsupervisory personnel. Second-level supervisors are defined as those persons who supervise first-level supervisors. Representative job classes may include, but are not limited to, sergeants, lieutenants, district supervisors, classification and community corrections officer supervisors, cottage supervisors, and unit supervisors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or employing agency director, or designee, any action affecting such trainee's status or compliance with the above requirement for

certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-310, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-106 (Order 15-E), § 139-10-310, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-310, filed 9/10/86. Formerly WAC 139-36-040.]

WAC 139-10-320 First-level and second-level corrections supervision curriculum. The first-level and second-level corrections supervision curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Role of the supervisor
- (2) Advanced oral and written communication
- (3) Team building
- (4) Goal setting
- (5) Work planning/time management
- (6) Scheduling and delegating
- (7) On-the-job training
- (8) Performance monitoring
- (9) Employee selection
- (10) Employee performance appraisal
- (11) Handling incompetent and difficult staff and preventing grievances
- (12) Handling criticism from staff
- (13) Preventing and handling staff burnout
- (14) Leading meetings.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-320, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-106 (Order 15-E), § 139-10-320, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-320, filed 9/10/86. Formerly WAC 139-36-041.]

WAC 139-10-410 Requirement of middle-management corrections training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county or political subdivision of the state of Washington, promoted or appointed to a full-time middle-management position shall successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections middle-management course or other middle-management training deemed the equivalent thereof by the commission executive director, or designee.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the middle-management course. In general, middle managers shall be defined as those persons in the organization who manage and develop programs and who are responsible for the smooth functioning of work groups supervised by first-level and second-level supervisors. Representative job classes include regional administrators, central office staff, captains, associate superintendents, district administrators, and unit program directors.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, employing agency director, any action affecting such trainee's status or compliance with the middle-management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-410, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-106 (Order 15-E), § 139-10-410, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-410, filed 9/10/86. Formerly WAC 139-36-050.]

WAC 139-10-420 Middle-management curriculum—Corrections. The middle-management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Teamwork
- (2) Internal consulting
- (3) Budgeting
- (4) Program development
- (5) Program evaluation
- (6) Procedures development
- (7) Motivation and bureaucracy
- (8) Procedure writing
- (9) Managing by systems.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-420, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 86-19-021 (Order 1-B), § 139-10-420, filed 9/10/86. Formerly WAC 139-36-051.]

WAC 139-10-510 Requirement of executive management corrections training. (1) As provided in RCW 43.101.220, all corrections employees of the state of Washington, or any city, county, or political subdivision of the state of Washington, promoted or appointed to a full-time executive management position shall successfully complete, prior to or within six months after such promotion or appointment, unless otherwise waived or extended by the commission, the commission's corrections executive management course or other executive management training deemed the equivalent thereof by the commission's executive director, or designee.

(2) It shall be the responsibility of the employing agency to determine which of its employees should attend the executive management course. In general, executive managers are defined as superintendents of large correctional institutions and jails, central office directors, deputy directors and assistant directors, and juvenile court directors and deputy directors in large jurisdictions.

(3) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide to the commission employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

(4) Upon the written request of a trainee, or employing agency director, any action affecting such trainee's status or compliance with the executive management training requirement shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-510, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 87-19-

106 (Order 15-E), § 139-10-510, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-510, filed 9/10/86. Formerly WAC 139-36-060.]

WAC 139-10-520 Corrections executive management curriculum. The corrections executive management curriculum of the Washington state criminal justice training commission shall be forty instructional hours in length and shall include, but not be limited to, the following subject matter areas:

- (1) Team building and organizational goal setting
- (2) Long-range planning
- (3) Your public image
- (4) Creating momentum for organizational change
- (5) Organizational communication
- (6) Organizational leadership
- (7) Policy development
- (8) Executive self-care
- (9) Managing with limited resources
- (10) Executive career ladder and power base
- (11) Program effectiveness research
- (12) Quality control
- (13) View of the executive
- (14) Training systems
- (15) Futures planning.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-10-520, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2), 87-19-106 (Order 15-E), § 139-10-520, filed 9/18/87; 86-19-021 (Order 1-B), § 139-10-520, filed 9/10/86. Formerly WAC 139-36-061.]

Chapter 139-15 WAC PUBLIC ATTORNEYS AND CORONERS

WAC

139-15-110 Prosecutor, public defender, and municipal attorney training.

WAC 139-15-110 Prosecutor, public defender, and municipal attorney training. The Washington state criminal justice training commission shall, within the fiscal resources available, develop and annually conduct the following types of training:

(1) Basic orientation training for attorneys whose responsibility is prosecuting of criminal, juvenile, and traffic offenses and for attorneys whose primary responsibility is defense of such offenses; and

(2) Advanced training for county prosecutors, municipal attorneys, attorneys engaged primarily in the defense of persons charged with offenses, and their attendant support staffs.

Additionally, the commission may develop, publish, or distribute training materials and manuals for county prosecutors, municipal attorneys, and attorneys engaged primarily in the defense of persons charged with offenses.

For purposes herein, the term "attorneys who are engaged primarily in the defense of persons charged with offenses" shall be limited to attorneys who expend at least fifty percent of their employment in the provision of criminal defense services and who are:

(a) Staff attorneys of any not-for-profit organization which has as its primary function the provision of criminal defense services;

(b) Attorneys who provide such services pursuant to a contractual agreement with any public entity; or

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(c) Attorneys employed by any duly constituted public defender district.

[Statutory Authority: RCW 43.101.080(2), 86-19-021 (Order 1-B), § 139-15-110, filed 9/10/86. Formerly WAC 139-32-010.]

Chapter 139-25 WAC CAREER-LEVEL CERTIFICATION

WAC

139-25-110 Career-level certification for law enforcement and corrections personnel.

WAC 139-25-110 Career-level certification for law enforcement and corrections personnel. (1) For purposes herein:

(a) The term "first-level supervisory position" means a position above operational level for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of nonsupervisory employees of an agency or is subject to assignment of such responsibilities;

(b) The term "middle-management position" means a position between a first-level supervisory position and an executive position and for which commensurate pay is authorized and is occupied by an individual who, in the upward chain of command, principally is responsible for the direct supervision of supervisory employees of an agency and/or command duties;

(c) The term "executive position" means the head of an agency or those individuals occupying positions designated as executive positions by the agency head.

(2) Any law enforcement officer or corrections employee successfully completing the training requirements specified hereinafter shall be eligible to apply to the Washington state criminal justice training commission for issuance of the certification for which such requirements are prescribed. Such certification is intended to acknowledge the recipient's accomplishment of training and experience responsive to the specific functions and responsibilities of a first-level supervisory, middle management, or executive position. It is not intended to supplant an effective promotional or selection process or preclude consideration of a broad scope of qualifying factors within such process.

(3) The minimum requirements of supervisory certification are set forth as follows:

(a) Possession of a basic law enforcement or corrections certificate or basic equivalency certificate of the training commission or basic certificate of the Washington state patrol; and

(b) At least three years of regular and full-time law enforcement or corrections service in a patrol, line, or nonsupervisory position; and

(c) Satisfactory completion of a probationary period made applicable by the employing agency to a first-level supervisory position or, in the absence of such period, satisfactory performance throughout the initial six months of service in such position; and

(d) Successful completion of the first level or first and second level supervision course of the training commission; and

(e) Successful completion of at least 72 additional elective training hours intended or approved for the first-level supervisory position.

(4) The minimum requirements for middle management certification are set forth as follows:

(a) At least two years of full-time and regular service in a first-level supervisory position; and

(b) Satisfactory completion of a probationary period made applicable by the employing agency to a middle management position or, in the absence of such period, satisfactory performance throughout the initial six months of service within such position; and

(c) Possession of the supervisory certificate of the training commission; and

(d) Successful completion of a middle management course of the training commission; and

(e) Successful completion of at least 72 additional elective training hours intended or approved for the middle management position.

(5) The minimum requirements for executive certification are set forth as follows:

(a) At least two years of full-time and regular service in a middle management position; and

(b) Possession of the middle management certificate of the training commission; and

(c) Successful completion of the agency administration and executive management core courses of the training commission; and

(d) Successful completion of at least 72 additional elective training hours intended or approved for the executive position.

(6) Any application for certification provided herein shall be submitted in writing on an approved form to the executive director of the training commission or designee.

(7) Education and training programs successfully completed by the applicant and not sponsored or otherwise approved by the training commission may be considered in any determination of satisfaction of training requirements prescribed herein. Such determinations and any other determinations relating to equivalent or alternative training shall be made by the executive director of the training commission or designee.

(8) Any requests for exception to or variance within any provision or requirements set forth herein may be submitted in writing by the individual seeking certification to the executive director or designee, who shall have dispositive authority in the matter.

[Statutory Authority: RCW 43.101.080. 00-17-017, § 139-25-110, filed 8/4/00, effective 9/4/00. Statutory Authority: RCW 43.101.080(2). 88-20-023 (Order 21), § 139-25-110, filed 9/28/88.]

Chapter 139-30 WAC

FIREARMS CERTIFICATION—SECURITY GUARDS

WAC

| | |
|------------|--|
| 139-30-005 | Firearms certification—Definitions. |
| 139-30-010 | Firearms certification—Licensing requirement. |
| 139-30-015 | Firearms certification—Application. |
| 139-30-020 | Firearms certification—Requirements. |
| 139-30-025 | Firearms certification—Expiration and renewal. |

WAC 139-30-005 Firearms certification—Definitions. (1) Words and terms used in WAC 139-30-005 through 139-30-025 shall have the same meaning as under chapter 18.170 RCW, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private security guard company.

(3) "Principal partner" means a partner who exercises operational control over a private security guard company.

(4) "Department" means Washington state department of licensing.

(5) "Commission" means Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-005, filed 12/24/91, effective 1/24/92.]

WAC 139-30-010 Firearms certification—Licensing requirement. (1) Any licensed private security guard desiring to be licensed as an armed private security guard by the department shall, as a precondition of being licensed as an armed private security guard, obtain a firearms certificate from the commission.

(2) An application for armed license must be submitted to the department within 90 days following issuance of a firearms certificate by the commission. If application is not submitted within that time period, the firearms certificate will be deemed lapsed by the commission and shall not serve as the basis for an armed license.

[Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-010, filed 12/24/91, effective 1/24/92.]

WAC 139-30-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, or a principal corporate officer, of the licensed private security company employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private security guard license.

(d) Be accompanied by payment of a processing fee of thirty-one dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten business days to the requesting company regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private detective must obtain a separate firearm certificate for each firearm that he/she is authorized to use in the performance of his/her duties. All firearms carried by armed private security guards in the performance of their duties must be owned or leased by the employer.

(4) It shall be the responsibility of the employer to insure that the armed private detective demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

[Statutory Authority: RCW 43.101.080. 03-07-098, § 139-30-015, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-015, filed 12/24/91, effective 1/24/92.]

WAC 139-30-020 Firearms certification—Requirements. (1) A firearms certificate will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the commission for this purpose and conducted by a certified instructor. Such program shall include:

(a) Classroom instruction which, through established learning objectives, addresses:

- (i) Legal issues regarding the use of deadly force;
- (ii) Decision making regarding the use of deadly force;
- (iii) Safe firearms handling; and
- (iv) Basic tactics in the use of deadly force.

(b) A written examination based upon the aforementioned learning objectives;

(c) A skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) A range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to applicant by applicant's employing company.

(2) A firearms certificate shall be issued in the name of each successful applicant and forwarded to the respective employing company.

[Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-020, filed 12/24/91, effective 1/24/92.]

WAC 139-30-025 Firearms certification—Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed security guard license issued by the department.

(2) By renewing the armed private security officer license with the department, the principal partner or principal owner for the private security guard company is making declaration that the armed security guard has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private security company.

[Statutory Authority: RCW 43.101.080. 03-02-007, § 139-30-025, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-040, § 139-30-025, filed 12/24/91, effective 1/24/92.]

Chapter 139-35 WAC

FIREARMS CERTIFICATION—PRIVATE DETECTIVES

WAC

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|------------|--|
| 139-35-005 | Firearms certification—Definitions. |
| 139-35-010 | Firearms certification—Licensing requirement. |
| 139-35-015 | Firearms certification—Application. |
| 139-35-020 | Firearms certification—Requirements. |
| 139-35-025 | Firearms certification—Expiration and renewal. |

WAC 139-35-005 Firearms certification—Definitions. (1) Words and terms used in WAC 139-35-005 through 139-35-025 shall have the same meaning as under chapter 18.165 RCW, unless otherwise clearly provided in these

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rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private investigator agency.

(3) "Principal partner" means a partner who exercises operational control over a private investigator agency.

(4) "Department" means Washington state department of licensing.

(5) "Commission" means Washington state criminal justice training commission.

[Statutory Authority: RCW 43.101.080. 03-02-008, § 139-35-005, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-005, filed 12/24/91, effective 1/24/92.]

WAC 139-35-010 Firearms certification—Licensing requirement. (1) Any licensed private investigator desiring to be licensed as an armed private investigator by the department shall, as a precondition of being licensed as an armed private investigator, obtain a firearms certificate from the commission.

(2) An application for armed license must be submitted to the department within ninety days following issuance of a firearms certificate by the commission. If application is not submitted within that time period, the firearms certificate will be deemed lapsed by the commission and shall not serve as the basis for an armed license.

[Statutory Authority: RCW 43.101.080. 03-02-007, § 139-35-010, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-010, filed 12/24/91, effective 1/24/92.]

WAC 139-35-015 Firearms certification—Application. (1) Any application for firearms certification shall:

(a) Be filed with the commission on a form provided by the commission;

(b) Be signed by the principal owner, principal partner, principal corporate officer, or designated agent of the licensed private detective agency employing the applicant;

(c) Establish through required documentation or otherwise that applicant:

(i) Is at least twenty-one years of age; and

(ii) Possesses a valid and current private detective license.

(d) Be accompanied by payment of a processing fee of thirty-one dollars.

(2) After receipt and review of an application, the commission will provide written notification within ten days to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certificate.

(3) An armed private detective must obtain a separate firearm certificate for each firearm that he/she is authorized to use in the performance of his/her duties.

(4) It shall be the responsibility of the employer to insure that the armed private detective demonstrates proficiency standards on an annual basis with each firearm that he/she is certified to use. Proficiency standards shall be set by the commission.

[Statutory Authority: RCW 43.101.080. 03-07-098, § 139-35-015, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-015, filed 12/24/91, effective 1/24/92.]

WAC 139-35-020 Firearms certification—Requirements. (1) A firearms certificate will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the commission for this purpose and conducted by a certified instructor. Such program shall include:

(a) Classroom instruction which, through established learning objectives, addresses:

- (i) Legal issues regarding the use of deadly force;
- (ii) Decision making regarding the use of deadly force;
- (iii) Safe firearms handling; and
- (iv) Basic tactics in the use of deadly force.

(b) A written examination based upon the aforementioned learning objectives;

(c) A skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) A range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to applicant by applicant's employing agency.

(2) A firearms certificate shall be issued in the name of each successful applicant and forwarded to the respective employing agency.

[Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-020, filed 12/24/91, effective 1/24/92.]

WAC 139-35-025 Firearms certification—Expiration and renewal. (1) Any firearms certificate issued by the commission shall expire on the expiration date of any armed private detective license issued by the department.

(2) By renewing the armed private investigator license with the department, the principal partner or principal owner for the private detective company is making declaration that the armed private investigator has met the requirements for annual proficiency with the firearms for which he/she is certified.

(3) Proof of annual proficiency must be kept in the employee's file within the private investigator company.

[Statutory Authority: RCW 43.101.080. 03-02-007, § 139-35-025, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 43.101.080(2). 92-02-041, § 139-35-025, filed 12/24/91, effective 1/24/92.]

Chapter 139-37 WAC

FIREARMS CERTIFICATION—INSTRUCTORS—RECORDS

WAC

139-37-005 Firearms certification—Certified instructors.
139-37-010 Firearms certification—Records.

WAC 139-37-005 Firearms certification—Certified instructors. (1) For the purposes of chapters 139-30 and 139-35 WAC, "certified instructor" means any individual who:

(a) Applies for instructor certification to the commission on a form prescribed by the commission for such purpose; and

(b) Pays an administrative fee of twenty-five dollars; and

(c) Satisfactorily completes an instructor orientation course regarding the requirements of instruction and testing

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for firearms certification of private security guards and private detectives; and

(i) Documents satisfactory completion of a firearms instructor course approved by the commission; or

(ii) Satisfactorily completes a firearms instructor course conducted by the commission; and

(d) Meets one of the following:

(i) Is currently employed as a full-time commissioned law enforcement officer; or

(ii) Is currently licensed as a private security guard or private detective; or

(iii) Submits a set of fingerprints to the commission for the purposes of background investigation; and

(e) Has not been convicted of a gross misdemeanor or felony; and has not been convicted of a misdemeanor involving the use or threatened use of a firearm; and has not committed any act involving moral turpitude, dishonesty, or corruption, whether the act constitutes a crime or not.

(2) A certified instructor is authorized to conduct an approved program of instruction and testing for firearms certification of private security guards and private detectives. The certified instructor shall not be considered an employee, agent, contractor, or representative of the commission.

(3) The commission may monitor and review the program of instruction and testing conducted by a certified instructor for the purpose of determining compliance with the commission's program materials and standards.

(4) Certified instructor status may be revoked by the commission for cause, including, but not limited to:

(a) Misrepresentation of facts on the initial application for instructor certification; or

(b) Conviction of a gross misdemeanor or felony; or conviction of a misdemeanor involving the use or threatened use of a firearm; or the commission of any act involving moral turpitude, dishonesty, or corruption, whether the act constitutes a crime or not; or

(c) Failure to conduct the armed private guard or armed private detective firearms certification/recertification program as prescribed by the commission; or

(d) Falsification of any documentation or score relating to the firearms certification/recertification program; or

(e) Unsafe firearms handling during the firearms certification/recertification process.

(5) The commission may require periodic instructor update training at its discretion, but no more frequently than once a year.

[Statutory Authority: RCW 43.101.080(2). 92-02-042, § 139-37-005, filed 12/24/91, effective 1/24/92.]

WAC 139-37-010 Firearms certification—Records.

(1) A master record of firearms certificate issuances by the commission to private security guards and private detectives shall be maintained by the commission.

(2) A master record of certified instructors for purposes of chapters 139-30 and 139-35 WAC shall be maintained by the commission.

(3) The aforementioned records shall be accessible by any individual, organization, private security company, or private detective agency making written inquiry to the commission at its administrative offices, P.O. Box 0905, Olympia WA 98504-0905.

[Statutory Authority: RCW 43.101.080(2). 92-02-042, § 139-37-010, filed 12/24/91, effective 1/24/92.]